

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0512

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 61** - 02/28/2003

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to increase the tax on cigarettes and other tobacco products  
2 and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-50-3 be amended to read as follows:

5 10-50-3. A tax is imposed, whether or not a sale occurs, at the following rates on all  
6 cigarettes held in this state for sale by any person:

7 Class A, on cigarettes weighing not more than three pounds per thousand, ~~sixteen~~ thirty-one  
8 and one-half mills on each cigarette.

9 Class B, on cigarettes weighing more than three pounds per thousand, ~~sixteen~~ thirty-one and  
10 eight-tenths mills on each cigarette.

11 Section 2. That § 10-50-61 be amended to read as follows:

12 10-50-61. In addition to the tax imposed by § 10-50-3, there is imposed, whether or not a  
13 sale occurs, a tax upon all tobacco products in this state and upon any person engaged in  
14 business as a licensed distributor or licensed wholesaler thereof, at the rate of ~~ten~~ twenty percent  
15 of the wholesale purchase price of such tobacco products. ~~Such~~ The tax shall be imposed at the



1 time the distributor or wholesaler brings or causes to be brought into this state tobacco products  
2 for sale; makes, manufactures, or fabricates tobacco products in this state for sale in this state;  
3 or ships or transports tobacco products to dealers in this state to be sold by those dealers. For  
4 the purposes of this chapter, wholesale purchase price is the price for which a manufacturer sells  
5 tobacco products to a licensed distributor or licensed wholesaler exclusive of any discount or  
6 other reduction.

7 Section 3. Whereas, this Act is necessary for the support of the state government and its  
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
9 force and effect from and after its passage and approval.